

Ashley M. Gjovik, JD

In Propria Persona

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY M. GJOVIK, *an individual*,

Plaintiff,

vs.

APPLE INC., a corporation,

Defendant.

CAND No. 3:23-CV-04597-EMC

9th Cir No.: 24-6058

**PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE**

*In Support of Plaintiff's
Opposition to Defendant's
Motions to Dismiss*

Motion Hearing:
Dept: Courtroom 5 (& Zoom)
Judge: Honorable Edward M. Chen
Date: February 21, 2025
Time: 9AM PT

**PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF HER
CALIFORNIA LABOR CODE § 232 CLAIM**

1. Plaintiff Ashley Gjovik, appearing pro se, respectfully requests that this Court take judicial notice of publicly available evidence demonstrating that Defendant Apple Inc. ("Apple") was aware of and engaged in retaliatory actions against Plaintiff for her legally protected discussions about employee pay, compensation disparities, and workplace organizing, in violation of California Labor Code § 232. Judicial notice is warranted under Federal Rule of Evidence 201(b), as the facts contained in these publicly available sources are not subject to reasonable dispute and are capable of accurate and ready determination from sources whose accuracy cannot reasonably be questioned.

2. Plaintiff engaged in protected activity under California Labor Code § 232 by discussing pay equity and compensation issues on Apple's internal Slack channels, publicly on Twitter, and in public news articles. At the same time, Apple was under intense public scrutiny regarding pay transparency and equity issues. Yet, despite overwhelming evidence that Apple was aware of these discussions, Apple's attorneys at Orrick, Herrington & Sutcliffe LLP ("Orrick") have repeatedly argued that Apple had no knowledge of Plaintiff's engagement in pay discussions and that Plaintiff cannot prove Apple was aware of such discussions. However, multiple publicly available sources contradict this assertion, including:

I. TWITTER POSTS

3. Plaintiff posted extensively about Apple's pay transparency issues and organizing efforts. [see [Exhibit A](#)]. Defendant has admitted that it investigated Plaintiff's Twitter account as part of a purported "leak" investigation but now contradictorily claims it never reviewed Plaintiff's Twitter. Both of these claims cannot simultaneously be true.

4. Courts have recognized that information from social media platforms like Twitter can be subject to judicial notice, particularly when the content's authenticity is not disputed and it is publicly accessible.

1 5. The Ninth Circuit took judicial notice of information on publicly available websites,
 2 noting that such information could be accurately and readily determined from sources whose
 3 accuracy cannot reasonably be questioned. See, *Daniels-Hall v. National Education Association*, 629
 4 F.3d 992, 998–99 (9th Cir. 2010). The court took judicial notice of publicly available social media
 5 posts, recognizing that they could be accurately and readily determined from sources whose
 6 accuracy could not reasonably be questioned. See, *United States v. Brown*, 2019 WL 6463491, at *2
 7 (C.D. Cal. Dec. 2, 2019).

8 **II. NEWS ARTICLES REPORTING ON PAY TRANSPARENCY** 9 **AND EMPLOYEE ORGANIZING AT APPLE**

10 6. Multiple reputable news organizations covered the issue of Apple’s pay
 11 transparency and workplace organizing at the same time Plaintiff was engaging in protected activity.
 12 Many of these articles explicitly state that Apple was asked for comment regarding its employees’
 13 discussions about pay equity. [See [Exhibit B](#)].

14 7. Courts may take judicial notice of news articles to indicate what was in the public
 15 realm at the time, though not necessarily for the truth of the matters asserted within them. The
 16 Ninth Circuit held that courts “may take judicial notice of publications introduced to indicate what
 17 was in the public realm at the time, not whether the contents of those articles were in fact true.”
 18 See, *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010). The
 19 court took judicial notice of newspaper articles as evidence of the information available to the
 20 public. See, *Rothman v. Gregor*, 220 F.3d 81, 92 (2d Cir. 2000).

21 **III. SIMULTANEOUS LITIGATION**

22 8. At the exact time of Plaintiff’s protected activities, Apple’s counsel at Orrick was
 23 also representing Apple in a high-profile pay equity lawsuit (*Schultz v. Apple Inc.*) in state court. The
 24 existence of this litigation further undercuts Apple’s assertion that it had no knowledge of pay-
 25 related discussions among its employees. [Exhibit C]. The same counsel are also currently
 26 representing Apple in another pay equity lawsuit, *Jong v. Apple Inc.* [Exhibit D].

9. Courts commonly take judicial notice of proceedings and filings in other courts, both within and outside the federal judicial system, if those proceedings have a direct relation to matters at issue. *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992): The Ninth Circuit stated that courts "may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue." *Rosales-Martinez v. Palmer*, 753 F.3d 890, 894 (9th Cir. 2014): The court took judicial notice of state court proceedings that were directly related to the federal case at hand.

IV. REQUEST FOR JUDICIAL NOTICE

10. Under Federal Rule of Evidence 201(b), a court may take judicial notice of facts that are "not subject to reasonable dispute because they... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Courts routinely take judicial notice of publicly available news articles, court records, social media posts, and public company statements when they are relevant to matters at issue. See *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998–99 (9th Cir. 2010) (taking judicial notice of information published on publicly accessible websites); *Von Saher v. Norton Simon Museum of Art*, 592 F.3d 954, 960 (9th Cir. 2010) (judicial notice of news articles).

Plaintiff respectfully requests that this Court take judicial notice of the following:

1. Publicly available news articles that confirm widespread media coverage of pay transparency and employee organizing at Apple.
2. Plaintiff's public Twitter posts discussing pay equity issues at Apple.
3. Public records and filings from *Schultz v. Apple Inc.*, demonstrating that Apple and its legal counsel at Orrick were actively litigating a pay equity dispute at the same time Plaintiff was discussing the same issues internally and publicly.

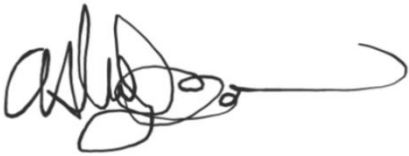
11. These sources are reliable, publicly available, and not subject to reasonable dispute, warranting judicial notice under Federal Rule of Evidence 201(b). Given that Apple's legal position directly contradicts readily available public records and news sources, judicial notice is necessary to prevent Apple from benefiting from selective omissions and misrepresentations regarding its awareness of Plaintiff's protected activities.

V. CONCLUSION

10. For the foregoing reasons, Plaintiff respectfully requests that the Court grant this Request for Judicial Notice and consider the publicly available evidence in support of Plaintiff's California Labor Code § 232 claim.

Dated: Jan. 31, 2024.

Signature:

A handwritten signature in black ink, appearing to read 'Ashley M. Gjovik', with a long horizontal flourish extending to the right.

/s/ Ashley M. Gjovik

Pro Se Plaintiff

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Phone: (408) 883-4428

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EXHIBITS

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EXHIBIT A

Plaintiff's social media post about pay, prior to termination.



Ashley M. Gjovik

@ashleygjovik

...

I'd like to put the "I'm doing this for \$ / my career" gimmick to bed. I made \$386k at #Apple last year with salary/stock/bonus (pay transparency!). There is no \$ incentive for me to speak out. Also, discrimination is everywhere and wherever I work after this, this will follow me

3:47 PM · Aug 13, 2021

POST: AUG. 13 2021 | FIRED: SEPT. 9 2021

<https://twitter.com/ashleygjovik/status/1426269321496387585?lang=en>

room, you don't ignore it and question the motive of the person who points it out. "You just own stock in water!!!"



Post Analytics



Ashley M. Gjovik @ashleygjovik · Aug 13, 2021

I'd like to put the "I'm doing this for \$ / my career" gimmick to bed. I made \$386k at #Apple last year with salary/stock/bonus (pay transparency!). There is no \$ incentive for me to speak out. Also, discrimination is everywhere and wherever I work after this, this will follow me



247



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8

Impressions ⓘ

43,251

Engagements ⓘ

7,885

Detail expands ⓘ

4,622

New followers ⓘ

1

Profile visits ⓘ

2,843

**Ashley M. Gjovik**

@ashleygjovik



August 4th, 2021 at #Apple: I'm put on admin leave whilst the latest attempt by employees to organize a pay equity survey is blocked.

@ZoeSchiffer enables us to let the world know.

If the public backlash against Apple continues.... RIP Apple Employee Retaliations Team 🕒 x.com/ZoeSchiffer/st...

**Zoë Schiffer** ✓ @ZoeSchiffer · Aug 9, 2021

Apple has been shutting down employee-run surveys on pay equity, citing stringent rules on how employees can collect data. We talked to multiple labor lawyers and organizers who say the company is violating worker protections — including their right to discuss pay. x.com/verge/status/1...

8:28 PM · Aug 9, 2021

POST: AUG 9 2021 | FIRED: SEPT 9 2021

<https://x.com/ashleygjovik/status/1424890328155262996>

× **Post Analytics**

**Ashley M. Gjovik** @ashleygjovik · Aug 9, 2021

August 4th, 2021 at #Apple: I'm put on admin leave whilst the latest attempt by employees to organize a pay equity survey is blocked.

@ZoeSchiffer enables us to let the world know.

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Impressions ⓘ

4,543

Engagements ⓘ

113

Detail expands ⓘ

69

New followers ⓘ

0

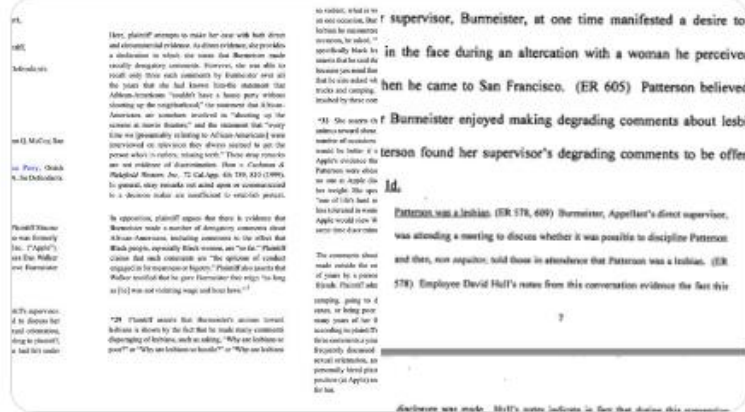
Profile visits ⓘ

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Ashley M. Gjovik @ashleygjovik · Aug 28, 2021

In a 2005 lawsuit against #Apple, a Black woman working in HR alleged her manager frequently made racist, sexist, homophobic, & violent comments as well as insults about her weight. Her manager once asked her: "Why are Black lesbians so fat?"



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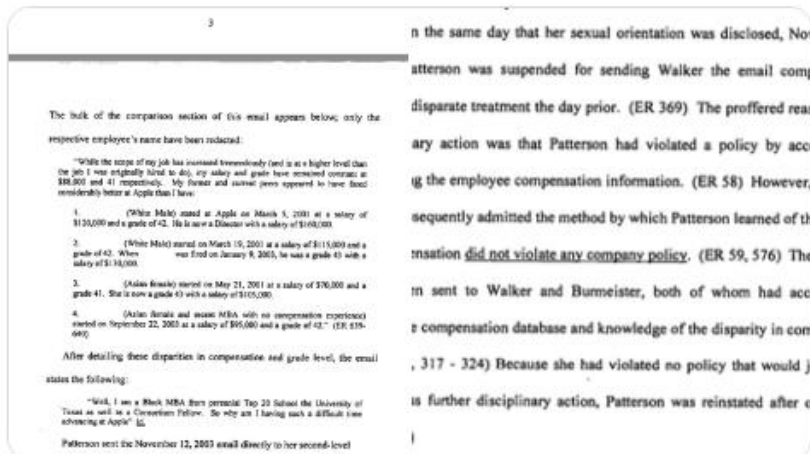
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Ashley M. Gjovik @ashleygjovik

She found she was underpaid for her role/team, & based on the data, attributed the pay gap to discrimination against Black people/women. She raised concerns about pay equity to #Apple HR & was suspended the next day. She was re-instated 1mo later w/out explanation.



6:28 PM · Aug 28, 2021

<https://x.com/ashleygjovik/status/1431743508226838528>

<https://x.com/ashleygjovik/status/1431745653894311944>



Ashley M. Gjovik
@ashleygjovik

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Not much has changed in 16 years....

8/31 - "Apple just banned a pay equity Slack channel but lets fun dogs channel lie"

theverge.com/2021/8/31/2265...



Ashley M. Gjovik @ashleygjovik · Aug 28, 2021

Replying to @ashleygjovik

She found she was underpaid for her role/team, & based on the data, attributed the pay gap to discrimination against Black people/women. She raised concerns about pay equity to #Apple HR & was suspended the next day. She was re-instated 1mo later w/out explanation.

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Post Analytics

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The bulk of the comparison section of this email appears below; only the respective employee's name have been redacted:

"While the scope of my job has increased tremendously (and is at a higher level than the job I was originally hired to do), my salary and grade have remained constant at \$88,000 and 41 respectively. My former and current peers appeared to have fared considerably better at Apple than I have:

1. (White Male) joined at Apple on March 5, 2001 at a salary of \$135,000 and a grade of 42. He is now a Director with a salary of \$168,000.

2. (White Male) joined on March 10, 2001 at a salary of \$115,000 and a grade of 42. When was fired on January 8, 2003, he was a grade 43 with a salary of \$135,000.

3. (Asian female) joined on May 21, 2001 at a salary of \$70,000 and a grade 41. She is now a grade 43 with a salary of \$105,000.

4. (Asian female and recent MBA with no compensation experience) joined on September 22, 2003 at a salary of \$65,000 and a grade of 42." (ER 838-640)

After detailing these disparities in compensation and grade level, the email states the following:

"Well, I am a Black MBA from perennial Top 20 Subout the University of Texas as well as a Consortium Fellow. So why am I having such a difficult time advancing at Apple?"

Patterson sent the November 12, 2003 email directly to her second-level

Ashley M. Gjovik @ashleygjovik · Aug 31, 2021

Not much has changed in 16 years....

8/31 - "Apple just banned a pay equity Slack channel but lets fun dogs channel lie"
theverge.com/2021/8/31/2265...



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Impressions ⓘ

4,046

Engagements ⓘ

244

Detail expands ⓘ

139

New followers ⓘ

0

Profile visits ⓘ

16

Link clicks ⓘ

63

3:58 PM · Aug 31, 2021

POST: AUG 31 2021 | FIRED: SEPT 3 2021

<https://x.com/ashleygjovik/status/1432794998345375748>

Ashley M. Gjøvik @ashleygjovik · Aug 31, 2021 ...

Just found this while digging further into the 2013 embezzlement lawsuit.

2007: "#Apple's General Counsel was charged with, among other things, committing fraud, lying to Apple's auditors, & violating prohibitions on circumventing internal controls."

sec.gov/news/press/200...

4 3 16

Taylor 🍌 @tayholliday · Aug 31, 2021 ...

Ah the good ole days, when Steve and other execs were making those "no-poach" deals which limited our career opportunities and wages.

1 3

Ashley M. Gjøvik @ashleygjovik ...

"The DOJ announced in 2010 that it had settled with #Apple & others, establishing that they would cease their illegal hiring practices. The DoJ noted this complaint is part of a larger antitrust inquiry into employment practices by high tech firms."

techcrunch.com/2012/01/19/dam...

4:51 PM · Aug 31, 2021

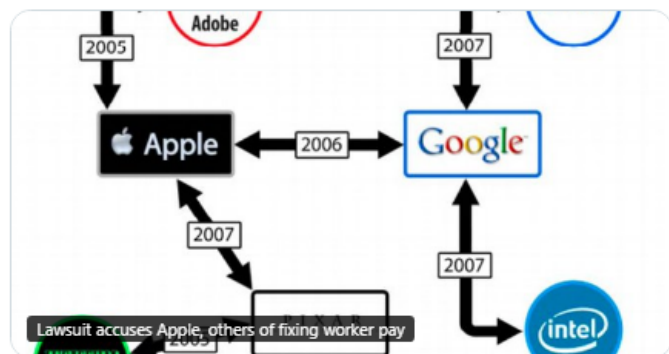
View post engagements

2 1 5

Post your reply **Reply**

Ashley M. Gjøvik @ashleygjovik · Aug 31, 2021 ...

"Lawsuit accuses Apple, others of fixing worker pay: large tech companies conspired with one another to lowball salaries."



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POST: AUG 31 2021 | FIRED: SEPT 9 2021

<https://x.com/ashleygjovik/status/1432808176026472448>

<https://x.com/ashleygjovik/status/1432809271746383878>

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7 **EXHIBIT B**
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11 *News Articles about Pay Discussions at Apple*
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Apple insists it does not have a problem with pay inequality. Skeptical Apple employees have been trying to verify that claim by sending out informal surveys on how much people make, particularly as it relates to women and underrepresented minorities. But the company has shut down three of those surveys, citing stringent rules on how employees can collect data. Now, multiple labor lawyers tell *The Verge* the company may be violating worker protections: the surveys can be considered a form of labor organizing — under US law, employees have the right to discuss pay.

"Apple cannot bar its employees from discussing pay equity as it relates to protected classes," says Vincent P. White, a labor lawyer with White,

ARTICLE: AUG. 9 2021 | FIRED SEPT. 9 2021

<https://www.theverge.com/2021/8/9/22609687/apple-pay-equity-employee-surveys-protected-activity>



TECH / APPLE / POLICY

Apple says it has pay equity, but an informal employee survey suggests otherwise



Illustration by Alex Castro / The Verge

/ Employees say there's a six percent wage gap between the salaries of men and women who responded to the survey

By ZOE SCHIFFER and MITCHELL CLARK
Aug 23, 2021, 12:05 PM EDT | [1 Comment](#) / [1 New](#)



An early analysis of the informal Apple pay equity survey shows a six percent wage gap between the salaries of men and women, according to software engineer Cher Scarlett. It's similar to the gender wage gap in San Francisco, which hovers around five percent, but disappointing for a company that claims people of all genders "earn the same when engaging in similar work with comparable experience and performance."

The results are not scientific — employees opted into the survey and only 2,000 people responded (out of the 147,000 employees Apple estimated in 2020) — but they point to why some employees are suspicious of the company's claim that it fixed its pay equity problem.

"We know pay equity was a problem in the past and Apple did something to fix it, but we're having this conversation again because we're seeing gaps in certain areas of the company and we want to know what Apple will do to prevent it from happening year-over-year," Scarlett says.

A small group of Apple employees, including Scarlett and members of the data analysis organization, will present the results to Apple's people team this week.

Scarlett also says she found that there were far fewer women, non-binary, and non-white people in senior positions at the company — or in technical roles, which are typically among the highest paid.

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ARTICLE: AUG. 23 2021 | FIRED: SEPT. 9 2021

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<https://www.theverge.com/2021/8/23/22633141/apple-pay-equity-survey-results-wage-gap>

The Verge / Tech / Reviews / Science / Entertainment / More +

TECH / APPLE / POLICY

Apple just banned a pay equity Slack channel but lets fun dogs channel lie

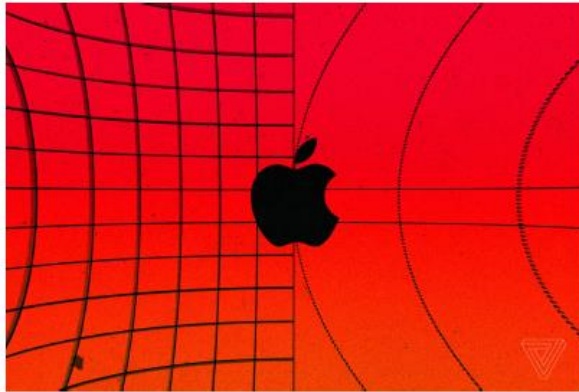


Illustration by Alex Castro / The Verge

/ The company's rules around Slack usage are not being evenly enforced

By ZOE SCHIFFER / @zoeschiffer
Aug 31, 2021, 3:30 PM EDT | [0 Comments](#)



Apple has barred employees from creating a Slack channel to discuss pay equity. A member of the employee relations team, Apple's version of HR, said that while the topic was "aligned with Apple's commitment to pay equity," it did not meet the company's Slack Terms of Use.

"Slack channels are provided to conduct Apple business and must advance the work, deliverables, or mission of Apple departments and teams," the employee relations representative told employees.

The company's rules for the in-office chat app say that "Slack channels for activities and hobbies not recognized as Apple Employee clubs or Diversity Network Associations (DNAs) aren't permitted and shouldn't be created."

But that rule has not been evenly enforced. Currently, Apple employees have popular Slack channels to discuss #fun-dogs (more than 5,000 members), #gaming (more than 3,000 members), and #dad-jokes (more than 2,000 members). On August 18th, the company approved a channel called #community-foosball. The cat and dog channels are not part of official clubs, and all of these channels were specifically created

- 1 Elon Musk founds new company called X.AI
- 2 First look at Cybertruck's comically large wiper in action
- 3 Why I'm using a keychain phone in 2023
- 4 Renfield doesn't deserve

Most Popular

ARTICLE: AUG. 31 2021 | FIRED: SEPT. 9 2021

<https://www.theverge.com/2021/8/31/22650751/apple-bans-pay-equity-slack-channel>

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5 **EXHIBIT C**
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9 *Anita Schulz v. Apple, Case NO. 20CV369611,*
10 *Santa Clara Superior Court*
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AMERICAN KAHANI [\(https://americankahani.com/\)](https://americankahani.com/)

Q

[LEAD STORIES \(HTTPS://AMERICANKAHANI.COM/CATEGORY/LEAD-STORIES/\)](https://americankahani.com/category/lead-stories/)

Calif. Court Rules in Favor of Former Apple Employee Who Claims She was Fired After Filing a Discrimination Lawsuit

BY STAFF WRITER [\(HTTPS://AMERICANKAHANI.COM/AUTHOR/STAFFWRITER/\)](https://americankahani.com/author/staffwriter/)
AUGUST 12, 2021

Filed in 2020 by former company engineer, Anita Nariani Schulze, a Hindu Indian woman, the suit alleged that her two managers, one from India and the other from Pakistan, treated her as "a subservient."



A California state court has ruled that a former Apple Inc. employee can move forward with her claim of being fired unlawfully. According to a Bloomberg report, Apple had filed a claim to dismiss a 2020 lawsuit filed by former company engineer, Anita Nariani Schulze, alleging that her two managers, one from India and the other from Pakistan, treated her as "a subservient."

In the lawsuit (https://www.sccourt.org/online_services/tentatives/sp_tr_dept1/thurs.pdf), Schulze described herself as a Hindu Indian woman who traces her ancestry to the Sindh region of what became part of Pakistan. "The fact that the Sindhi Hindu nationality is known for its technical acumen, encouraging men and women alike to pursue technical careers and women to rise above their historically subservient role, exacerbated the Managers' discriminatory treatment," says the lawsuit.

<https://americankahani.com/lead-stories/court-rules-in-favor-of-former-apple-employee-fired-after-filing-a-discrimination-lawsuit/>

Santa Clara – Civil

System

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County of Santa Clara,
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19 Attorney for Plaintiff
 20 ANITA NARIANI SCHULZE

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA

22 COUNTY OF SANTA CLARA

23 ANITA NARIANI SCHULZE, on behalf of
 24 herself and all others similarly situated

25 Plaintiff,

26 v.

27 APPLE INC., and Does 1 through 50,
 28 inclusive,

Defendants.

Case No. 20CV369611

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: August 19, 2021
 Time: 2:30 p.m.
 Dept: 1
 Judge: Hon. Sunil R. Kulkarni

Action Filed: August 17, 2020
 Second Amended Complaint Filed:
 April 23, 2021

20CV369611
Santa Clara – Civil

Y. Chav

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by Superior Court of CA,
County of Santa Clara,
on 9/22/2020 12:26 PM
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Case #20CV369611
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*Attorneys for Plaintiff, Anita Nariani Schulze on
behalf of herself and all others similarly situated*

IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

ANITA NARIANI SCHULZE, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

APPLE, INC., and Does 1 through 50, inclusive,

Defendants.

Case No. 20CV369611

**FIRST AMENDED CLASS ACTION
AND INDIVIDUAL COMPLAINT**

Unlimited Civil Case
The Amount Demanded Exceeds
\$25,000

1 Plaintiff Anita Nariani Schulze (“Plaintiff”), by her attorneys, brings this action on behalf
 2 of herself, all others similarly situated, and the general public, on information and belief, except
 3 those allegations that pertain to the named Plaintiff, and hereby alleges as follows:

4 **SUMMARY OF CLAIMS**

5 1. Plaintiff brings this action on an individual, class, and representative basis.

6 2. Plaintiff alleges, on an individual basis, that Apple, Inc. (“Defendant”) engaged in
 7 unlawful conduct by its: (1) discrimination against Plaintiff on the basis of her sex, race, national
 8 origin, and religion, in violation of California Government Code section 12940, subdivision (a);
 9 (2) harassment of the Plaintiff on the basis of sex, in violation of California Government Code
 10 section 12940, subdivision (j); (3) failure to take all reasonable steps to prevent the
 11 discrimination and harassment of the Plaintiff in the workplace, in violation of California
 12 Government Code section 12940, subdivision (k); (4) retaliation against Plaintiff on the basis of
 13 her opposition to and reporting of the discriminatory and harassing conduct of Defendant, in
 14 violation of California Government Code section 12940, subdivision (h); and (5) constructive
 15 wrongful termination of Plaintiff on the basis of her sex, race, national origin, and religion and/or
 16 in retaliation for making a protected complaint about sex discrimination, in violation of public
 17 policy embodied in Article I, section 8, of the California Constitution and/or California
 18 Government Code section 12940, et. seq.

19 3. In addition, Plaintiff alleges, on a class basis, that Defendant engaged in unlawful
 20 conduct by its: (1) failure to compensate Plaintiff and proposed class members in salaries,
 21 bonuses, and stock options in a manner that was equal to male employees in similar positions
 22 and by retaliating against Plaintiff when she complained about the unequal treatment, in violation
 23 of California Labor Code section 1197.5; (2) failure to compensate Plaintiff and proposed class
 24 members complete payment of wages when they were due, in violation of California Labor Code
 25 sections 201-204; and, (3) failure to provide Plaintiff and proposed class members with accurate
 26 wage statements, in violation of California Labor Code section 226. These failures further
 27 constitute unfair business practices in violation of California Business and Professions Code
 28 section 17200, et. seq.

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9 **EXHIBIT D**

10
11
12 *Justina Jong & Amina Salgado v. Apple,*
13 *Case No. CGC-24-615363,*
14 *San Francisco Superior Court*
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ELECTRONICALLY

FILEDSuperior Court of California,
County of San Francisco**10/11/2024****Clerk of the Court**

BY: EDWARD SANTOS

Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

JUSTINA JONG, AMINA SALGADO, and
 ZAINAB BORI, individually and on behalf of
 all others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. CGC-24-615363

**MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT OF
 APPLE'S DEMURRER TO AND
 MOTION TO STRIKE PLAINTIFFS'
 FIRST AMENDED CLASS ACTION
 COMPLAINT**

Date: December 12, 2024

Time: 10:00 a.m.

Dept.: 304

Judge: Hon. Ethan P. Schulman

*Hearing date and time pre-approved by
 Dept. 304*

Date Action Filed: June 13, 2024

Trial Date: None set

MEMO. OF P&A IN SUPP. OF APPLE'S DEMURRER TO AND MOTION TO STRIKE FAC – CGC-24-615363

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ELECTRONICALLY

FILED

Superior Court of California,
 County of San Francisco

06/13/2024

Clerk of the Court

BY: MARK UDAN

Deputy Clerk

CGC-24-615363

Attorneys for Plaintiffs JUSTINA JONG and
 AMINA SALGADO, on behalf of themselves
 and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

JUSTINA JONG and AMINA SALGADO
 individually and on behalf of all others
 similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No.:

CLASS ACTION COMPLAINT

1. Violation of California Equal Pay Act, as amended (Labor Code §§ 1197.5, 1194.5)
2. Violations of the Fair Employment and Housing Act, as amended (Government Code § 12900 *et seq.*)
3. Unfair and Unlawful Business Practices (Bus. & Prof. Code § 17200 *et seq.*)
4. Failure to Pay All Wages Due to Discharged and Quitting Employees (Labor Code §§ 201-203, 1194.5)
5. Declaratory Judgment (C.C.P. § 1060 *et seq.*)
6. Penalties under the Labor Code Private Attorneys General Act (Labor Code §§ 2698-2699.5)
7. Hostile work environment and failure to accommodate for Plaintiff Jong

JURY TRIAL DEMANDED

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1/29/25, 3:10 AM

In class action, Apple employees say tech giant pays women less for same work | Courthouse News Service

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In class action, Apple employees say tech giant pays women less for same work

Two female employees at Apple offices in California say the company not only systematically pays women less than men but also rewards men for qualities for which women are penalized.

NATALIE HANSON / June 13, 2024



An Apple store employee wearing a face shield. (AP Photo/Mark Lennihan)

SAN FRANCISCO (CN) — Two women, both of whom have worked for Apple for more than a decade, are suing the tech giant, saying the company systematically pays and rewards women less for performing the same work as men in similar roles.

In a class action filed Thursday in San Francisco County Superior Court, Apple employees Justina Jong and Amina Salgado say that Apple discriminates against women in both pay and hiring practices, including by asking women about their prior pay. With their suit, they seek to represent around 12,000 women currently and formerly employed at Apple.

Jong said that since 2013, she has received lower pay than men performing similar work in retail and marketing at Apple's Sunnyvale office. She also said she had to keep working with a co-worker who sexually harassed her.

<https://www.courthousenews.com/in-class-action-apple-employees-say-tech-giant-pays-women-less-for-same-work/>

1



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ACCESSWIRE

California Court Sides with Female Apple Employees in Gender Discrimination Class Action

NEWS PROVIDED BY
ACCESSWIRE
Jan 22, 2025, 8:45 AM ET

More than 12,000 female Apple employees in California potentially impacted.

Women claim that Apple systematically pays them less than male employees.

SAN FRANCISCO, CA / ACCESS Newswire / January 22, 2025 / A San Francisco Superior Court judge denied Apple Inc's motion to strike class allegations and largely denied Apple's motion to dismiss in a high-profile putative gender discrimination class action, allowing the case to move forward.

The women, who seek to represent more than 12,000 current and former female employees in Apple's engineering, marketing, and AppleCare divisions in California, claim that Apple violated California's Equal Pay Act and Fair Employment and Housing Act by systematically paying them lower wages than male employees who perform substantially similar work and by assigning them lower starting salaries and salary levels based on their prior pay or pay expectations.

In its ruling the court held that it was not persuaded by Apple's arguments, finding that Plaintiffs had sufficiently alleged their claims about Apple allegedly violating the California Equal Pay Act and Fair Employment and Housing Act. Specifically, the court believed that Plaintiffs had sufficiently alleged that Apple's salary decisions were made in a centralized location pursuant to an employment policy had the effect of perpetuating past pay disparities and paying